

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 14, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by House pages Valentina Diolaiti and Tomi Jones.

Roll Call: All members present except Rep. Feinstein who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration SB 29, 30, and 239 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Fred W. Romkema, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 69, 103, and 118 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1210 which was tabled.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1136, 1137, and 1250 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1161 and returns the same with the recommendation that said bill be amended as follows:

1161fe

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Terms used in this Act mean:

(1) "Applicant," any municipality, economic development corporation, county, or other political subdivision of the state that applies for funding under the program;

- 1 (2) "Award," funds provided to an applicant by GOED under the program;
- 2 (3) "Commissioner," the commissioner of the Governor's Office of Economic
3 Development;
- 4 (4) "Construction date," the first date excavation, demolition, or construction begins for
5 a project;
- 6 (5) "Equipment," any new equipment that is installed or placed in a new or expanded
7 facility;
- 8 (6) "GOED," the Governor's Office of Economic Development;
- 9 (7) "New or expanded facility," a new building or structure, or the expansion of an
10 existing building or structure;
- 11 (8) "Person," any individual, firm, copartnership, joint venture, association, cooperative,
12 nonprofit development corporation, limited liability company, limited liability
13 partnership, corporation, estate, trust, business trust, receiver, or any group or
14 combination acting as a unit;
- 15 (9) "Program," the rural economic development partnership program established in
16 section 20 of this Act;
- 17 (10) "Project," either the construction of a new or expanded facility or equipment installed
18 or placed at a single site, or both;
- 19 (11) "Project cost," the amount paid in money, credits, property, or other money's worth
20 for a project.

21 Section 2. For the purposes of sections 1 to 19, inclusive, of this Act, the term, new or
22 expanded facility, does not include any building or structure:

- 23 (1) Used predominantly for residential housing; or
- 24 (2) Used predominantly to provide nonprofit health care services.

25 Section 3. For the purposes of sections 1 to 19, inclusive, of this Act, to qualify for a grant
26 from the business incentive grant fund, the project shall meet the following criteria:

- 27 (1) A business plan is submitted to the local development corporation which shows that
28 additional jobs will be created or retained and economic activity will occur if the
29 project is constructed;
- 30 (2) The local development corporation has reviewed the business plan for the project and
31 has made a determination of the economic impact including job growth which is
32 scored pursuant to section 16 of this Act;

- 1 (3) The municipality has adopted a resolution to approve the municipal sales and use tax
2 incentives provided by sections 1 to 19, inclusive, of this Act and to authorize the
3 Department of Revenue to deposit such tax revenue in the business incentive grant
4 fund for the purpose of granting funds to a person that has entered into an agreement
5 pursuant to section 6 of this Act. A copy of the municipal resolution shall be
6 submitted to the Department of Revenue;
- 7 (4) A copy of the municipal resolution is submitted with the grant application to the
8 Board of Economic Development; and
- 9 (5) The county or municipality has adopted a formula to reduce property taxation for the
10 project for five years under the discretionary formula pursuant to § 10-6-35.2 or has
11 approved a tax incremental district pursuant to chapter 11-9 for the area where the
12 project will be located.

13 Section 4. As provided in sections 1 to 19, inclusive, of this Act, any person that has entered
14 into an agreement pursuant to section 6 of this Act may apply for a grant from the business
15 incentive grant fund that is two times the amount of the municipal sales and use tax imposed
16 and paid by such person for the project under the provisions of chapter 10-52. However, if the
17 project costs exceeds twenty million dollars, the grant may be for an amount not to exceed all
18 of the state and municipal sales and use tax collected pursuant to chapters 10-45, 10-46, and
19 10-52.

20 If a project is located outside the incorporated limits of a municipality, the Board of
21 Economic Development, created pursuant to chapter 1-16G, may waive the requirement that the
22 municipal sales tax revenue be deposited in the business incentive grant fund if the other
23 provisions of sections 1 to 19, inclusive, of this Act have been met. If such requirement is
24 waived, any person that has entered into an agreement pursuant to section 6 of this Act may
25 apply for a grant from the business incentive grant fund that is equal to one-half of the state
26 sales and use tax collected pursuant to chapters 10-45 and 10-46 for the project costs. However,
27 if the project costs exceeds twenty million dollars, the grant may be for an amount not to exceed
28 all of the state sales and use tax collected pursuant to chapters 10-45 and 10-46 for the project
29 costs.

30 Section 5. The grant pursuant to section 4 of this Act pertains only to project costs incurred
31 and paid after July 1, 2013, within thirty-six months from the construction date. No grant may
32 be made unless:

- 33 (1) A resolution has been adopted by the municipality where the project is located
34 agreeing to deposit all of the sales and use taxes imposed on the project by the
35 municipality pursuant to chapter 10-52 into the business incentive grant fund; and
- 36 (2) The person applying for the grant enters an agreement as provided in section 6 of this
37 Act.

38 Section 6. Any person desiring to receive a grant pursuant to sections 1 to 19, inclusive, of
39 this Act shall apply to the Board of Economic Development for a grant from business incentive
40 grant fund prior to or within ninety days after the construction date.

1 If the municipality has adopted a resolution to approve the municipal sales and use tax being
2 deposited in the business incentive grant fund pursuant to section 3 of this Act, an application
3 and business plan shall be submitted to the Board of Economic Development. The board shall
4 review the application and business plan and determine whether the grant from the business
5 incentive grant fund shall be approved or disapproved. The application shall be submitted on
6 a form prescribed by the board. A separate application shall be made and submitted for each
7 project.

8 If the application is approved, the board shall enter into an agreement entitling the applicant
9 to submit claims as provided by sections 7 and 8 of this Act. Such claims are not assignable or
10 transferable except as collateral or security pursuant to chapter 57A-9. However, the
11 commissioner may permit the assignment or transfer of an agreement and if the initial permit
12 holder entity reorganizes into a new entity, if the new entity and the initial entity share common
13 ownership and the reorganization was completed solely for a legitimate business purpose. The
14 new entity shall file with the GOED an amended application for the grant.

15 Section 7. Any claim for a grant shall be submitted on forms prescribed by the commissioner
16 and shall be supported by such documentation as the commissioner may require. The
17 commissioner may deny any claim where the claimant has failed to provide information or
18 documentation requested or considered necessary by the commissioner to determine the validity
19 of the claim.

20 Section 8. Any person who has entered into an agreement pursuant to sections 1 to 19,
21 inclusive, of this Act shall submit a claim for a grant to the GOED no more frequently than on
22 or before the last day of each month and no less frequently than on or before the last day of each
23 month following each calendar quarter. The commissioner shall determine and pay the amount
24 of the grant within ninety days of receipt of the claim. However, no claim may be paid until on
25 or after the construction date. No interest may be paid on the grant amount. The commissioner
26 shall pay the grant by electronic funds transfer.

27 Section 9. No claim for a grant pursuant to sections 1 to 19, inclusive, of this Act may be
28 considered by the GOED if the claim for the grant is received twelve months after the thirty-six
29 month time period set by section 5 of this Act. Moreover, any such claim is barred from any
30 future grant eligibility.

31 Section 10. No document or record in support of any claim for grant may be considered by
32 the GOED if the document or record in support of any claim for a grant is received twelve
33 months after the thirty-six month time period of section 5 of this Act. Moreover, any such
34 document or record is barred from any future consideration.

35 However, if the GOED requests any additional document or record from the project owner
36 after a review of the claim for a grant, and the request is made after the applicable time period
37 provided by this section has expired, the project owner has sixty days to provide the requested
38 document or record. No document or record received after this sixty-day period may be
39 considered by the GOED. Moreover, any such document or record is barred from any future
40 consideration.

Section 11. If any claim has been fraudulently presented or supported as to any item in the claim, or if the claimant fails to meet all the conditions of sections 1 to 19, inclusive, of this Act, then the claim may be rejected in its entirety and all sums previously granted to the claimant shall constitute a debt to the state and a lien in favor of the state upon all property and rights to property whether real or personal belonging to the claimant and may be recovered in an action of debt.

Section 12. Any person aggrieved by the denial in whole or in part of a grant claimed under sections 1 to 19, inclusive, of this Act, may within thirty days after service of the notice of such denial by the commissioner, demand and is entitled to a hearing, upon notice, before the commissioner. The hearing shall be conducted pursuant to chapter 1-26.

Section 13. Any amount granted pursuant to sections 1 to 19, inclusive, of this Act for a project that is not completed within the time frames prescribed in sections 1 to 19, inclusive, of this Act, including any extensions granted by the commissioner, shall be returned to the state without interest. Any granted amounts not returned pursuant to this section and all sums previously granted to the claimant constitute a debt to the state and a lien in favor of the state upon all property and rights to property whether real or personal belonging to the claimant and may be recovered in an action of debt.

Section 14. Any person aggrieved by a decision of the commissioner under sections 1 to 19, inclusive, of this Act may, within thirty days of receipt of written notice of the commissioner's decision, make written application to the commissioner for a hearing to be conducted pursuant to chapter 1-26. Hearings are to be conducted and appeals taken pursuant to the provisions of chapters 1-26 and 1-26D. A copy of the hearing examiner's proposed decision, findings of fact, and conclusions of law shall be served on all parties when furnished to the commissioner. If the commissioner, pursuant to chapter 1-26D, accepts the final decision of the hearing examiner, no appeal from a final decision of the commissioner upon any additional tax to be paid may be taken unless any amount ordered paid by the commissioner is paid or a bond filed to insure payment of the amount. However, if the final decision of the commissioner, pursuant to chapter 1-26D, rejects or modifies the decision of the hearing examiner regarding the amount due, an appeal may be taken without payment of the amount ordered to be paid and without filing of a bond. If the commissioner's decision is affirmed by the circuit court, no appeal may be taken unless any amount ordered to be paid by the commissioner is paid or a bond is filed to insure payment of such amount.

Section 15. The name of any person or entity that receives a grant pursuant to sections 1 to 19, inclusive, of this Act and the amount of any such grant or credit is public information and shall be available and open to public inspection as provided in § 1-27-1.

Section 16. The local economic development corporation shall determine the economic impact of the new or expanded facility by using the following factors:

(1) Project impact factors;

(a) Economic impact of primary jobs created or retained;

- 1 (b) Net economic effect of increasing or stabilizing the economy on the
- 2 community, area, and state;
- 3 (c) Competitive effect on existing businesses;
- 4 (d) Support of the public entities of the community and area;
- 5 (e) The amount of the owner's equity contributed to the project;
- 6 (f) The effect of the project on the environment, health, and safety of the people
- 7 in the community, area, and state;
- 8 (g) Compatibility with economic development plans of the area and state;
- 9 (h) Type of business;
- 10 (i) Payroll, pay structure, and employee benefit structure; and
- 11 (j) Number of jobs created or retained; and
- 12 (2) Business feasibility factors:
 - 13 (a) The potential success of the business and the potential for creating quality jobs
 - 14 and the growth of those jobs;
 - 15 (b) The character, experience, management record, and background of the
 - 16 business management;
 - 17 (c) The economic feasibility of the project;
 - 18 (d) The financial status of the project, business plan, and applicant;
 - 19 (e) The satisfaction of engineering, legal, and environmental regulations; and
 - 20 (f) The availability of necessary public utilities.

21 Section 17. There is hereby created in the state treasury the business incentive grant fund.
22 The Board of Economic Development may award grants from the fund for projects that create
23 or retain jobs and economic benefits to the state and provide matching funds for rural economic
24 development partnership program created by sections 20 to 23, inclusive, of this Act. The board
25 may accept and expend for the purposes of this Act any funds obtained from appropriations or
26 any other source if such acceptance and expenditure is approved in accordance with § 4-8B-10.
27 Interest earned on money in the fund shall be deposited into the fund. Expenditures from this
28 fund shall be appropriated through the normal budgeting process.

29 Section 18. If a grant is approved by the Board of Economic Development pursuant to
30 sections 1 to 19, inclusive, of this Act, the Department of Revenue shall deposit fifty percent
31 of the sales and use taxes imposed by chapters 10-45 and 10-46 on the project into the business

incentive grant fund. However, if the project costs exceeds twenty million dollars, the Department of Revenue shall deposit all of the sales and use taxes imposed by chapters 10-45 and 10-46 on the project into the business incentive grant fund.

Section 19. The Board of Economic Development shall promulgate rules pursuant to chapter 1-26 concerning the following:

- (1) Establish application procedures for a business incentive grant;
- (2) The submission of a business plan;
- (3) Establish criteria to determine which applicant may receive a grant;
- (4) Establish criteria for the terms and conditions upon which a grant may be made, including performance criteria and matching requirements plan; and
- (5) Determine the procedures for distributing the grant funds to the applicant.

Section 20. The rural economic development partnership program is hereby established within the Governor's Office of Economic Development. Under the program, any municipality, economic development corporation, county, or other political subdivision of the state may apply to GOED for funds on a matching basis as provided in sections 20 to 23, inclusive, of this Act.

Section 21. GOED may award funds under the program for new full time staff, or elevate existing part-time staff to full-time, equipment, and training needs for the purpose of developing or expanding housing, community, and economic development programs. Areas of emphasis under the program include creating employment opportunities, higher wages, better-quality jobs, greater access to resources, repopulation, stronger economies, access to replicable best practice methods, continuous housing development, business growth, and job creation and retention.

Section 22. Funds awarded under the program shall be provided on a matching basis over a five-year period for each award so that fifty percent of the first year's project cost is paid by GOED, forty percent of the second year's project cost is paid by GOED, thirty percent of the third year's project cost is paid by GOED, twenty percent of the fourth year's project cost is paid by GOED, and ten percent of the fifth year's project cost is paid by GOED. In each year the remaining portion of the project cost for that year shall be paid by the applicant. GOED awards and matching funds paid by the applicant shall be structured so that the project cost for each of the five years is as nearly equal as practicable.

Section 23. GOED shall promulgate rules pursuant to chapter 1-26 to provide for the implementation and administration of the rural economic development partnership program. The rules shall include:

- (1) Application requirements, procedures, and forms;
- (2) Award procedures;
- (3) Eligible uses of award funds;

- 1 (4) Eligibility requirements for applicants;
- 2 (5) Responsibilities of applicants and award recipients;
- 3 (6) Procedures for rescinding and repayment of awards if the applicant's or recipient's
- 4 responsibilities are not met;
- 5 (7) Reporting requirements; and
- 6 (8) Other items necessary for the administration of the program."

7 1161fb

8 On page 1, line 2, of the printed bill, after "activity" insert "and to establish the rural

9 economic development partnership program".

10 And that as so amended said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on State Affairs respectfully reports that it has had under consideration

13 HB 1212 and returns the same with the recommendation that said bill be amended as follows:

14 1212fb

15 On page 1, line 10, of the printed bill, delete everything after "Expenses" and insert "~~of one~~

16 ~~hundred ten dollars per day~~ for each day of a regular".

17 On page 1, line 14, after "services" insert ", at an amount fixed for the per diem allowance

18 that is authorized by the United States Internal Revenue Service to be excluded from the gross

19 income without itemization as of October first each year".

20 And that as so amended said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on State Affairs respectfully reports that it has had under consideration

23 HB 1214 and returns the same with the recommendation that said bill be amended as follows:

24 1214ja

25 On page 1 of the printed bill, delete lines 3 to 5, inclusive.

26 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HB 1196 which was tabled.

4 Also MR. SPEAKER:

5 The Committee on State Affairs respectfully reports that it has had under consideration
6 HB 1222 which was deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 David Lust, Chair

9 Also MR. SPEAKER:

10 The Committee on Agriculture and Natural Resources respectfully reports that it has had
11 under consideration HB 1228 and returns the same with the recommendation that said bill do
12 pass.

13 Also MR. SPEAKER:

14 The Committee on Agriculture and Natural Resources respectfully reports that it has had
15 under consideration HB 1089 and returns the same with the recommendation that said bill be
16 amended as follows:

17 1089ta

18 On the printed bill, delete everything after the enacting clause and insert:

19 " Section 1. That § 40-18-2 be amended to read as follows:

20 40-18-2. At least three of the five members of the board shall be persons who derive the
21 major portion of their income from the livestock business and who are owners of brands duly
22 recorded with the board. ~~At least three of the five members of the board shall reside in the~~
23 ~~livestock ownership inspection areas.~~ No appointed member may act as a member of the board
24 while holding an elective or appointive state or federal office. No more than three of the
25 members shall be of any one political party.

26 Section 2. That § 40-18-15 be amended to read as follows:

27 40-18-15. The board may inspect all livestock moved within the ~~South Dakota livestock~~
28 ~~ownership inspection area and all livestock leaving the South Dakota livestock ownership~~
29 ~~inspection area state and all livestock leaving the state~~ for the purpose of determining the proper
30 ownership and brands, if any, of such livestock and shall have general charge, supervision, and

1 custody of all instruments, records, and files in connection with such ownership inspection
2 activities.

3 Section 3. That § 40-18-16 be amended to read as follows:

4 40-18-16. The board may promulgate rules pursuant to chapter 1-26 to:

5 (1) Describe prohibited brand symbols for various types of livestock and identify
6 locations on animals where a brand is permitted;

7 (2) Provide for the registration, transfer, and renewal of livestock brands;

8 (3) Establish a brand registration fee not to exceed twenty-five dollars;

9 (4) Establish a brand renewal fee not to exceed ten dollars per year or a brand renewal
10 fee not to exceed fifty dollars for each five-year ownership period and a brand
11 transfer fee not to exceed twenty-five dollars;

12 (5) Establish an ownership inspection fee not to exceed one dollar for each head of
13 livestock;

14 (6) Establish recordable livestock brands;

15 (7) Establish law enforcement, ownership inspection, and transportation requirements
16 ~~within or without the ownership inspection area;~~

17 (8) Establish a duplicate certificate fee not to exceed five dollars;

18 (9) Establish a mileage fee for inspectors not to exceed the rate set by the State Board of
19 Finance.

20 Section 4. That § 40-18-17 be amended to read as follows:

21 40-18-17. The Brand Board shall provide for the registration of livestock brands, for the
22 inspection of livestock for ownership identification purposes, and for the enforcement of laws
23 pertaining to the inspection, sale, branding, ownership, transportation, and theft of livestock
24 ~~within the ownership inspection area and the state.~~

25 Section 5. That § 40-19-10.1 be amended to read as follows:

26 40-19-10.1. No person may bring cattle branded with a brand registered in another state into
27 the ~~ownership inspection area~~ state for grazing or feeding purposes without a permit authorized
28 by the board. If the brand is a duplicate of or conflicts with a brand issued pursuant to this
29 chapter, a permit may only be issued at the discretion of the board. No permit is required if the
30 cattle are rebranded with a brand registered pursuant to this chapter. The application for a permit
31 shall be on a form approved by the board and shall be signed by the owner of the cattle. Any
32 calves born to cattle which are subject to the permit may be branded with the out-of-state brand
33 upon prior written notice to the board. The calves shall be added to the permit. No cattle or

calves subject to the permit may be removed from the ~~ownership inspection area~~ state, sold, or slaughtered without an ownership inspection.

No person may brand any cattle imported into or purchased within the ~~ownership inspection area~~ state for feeding purposes with a brand registered in another state without a permit authorized by the board. No permit may be issued if the brand is a duplicate of or conflicts with a brand issued pursuant to this chapter. The application for a permit shall be signed by the owner of the cattle. No cattle subject to the permit may be removed from the ~~ownership inspection area~~ state, sold, or slaughtered without an ownership inspection.

Cattle purchased at a licensed livestock auction market in the ~~ownership inspection area~~ state may be branded with the owner's out-of-state brand if the cattle are branded at the market, are purchased for export from the state within two calendar days of purchase, and an authorization form is obtained from the board prior to branding the cattle.

A violation of this section is a Class 1 misdemeanor.

Section 6. That § 40-20-1 be amended to read as follows:

40-20-1. The South Dakota livestock ownership inspection area consists of ~~all of that part of the entire State of South Dakota lying within the following counties: Harding, Butte, Lawrence, Pennington, Custer, Fall River, Perkins, Meade, Shannon, Corson, Dewey, Ziebach, Haakon, Stanley, Jackson, Jones, Mellette, Bennett, Todd, Lyman, Tripp, and Gregory.~~

Section 7. That § 40-20-2 be repealed.

~~40-20-2. Any county contiguous to the livestock ownership inspection area may become a part of such area upon a petition signed by a majority of the owners of livestock residing within such county to be attached, which shall be presented to the board. The board shall, in its discretion, either reject or approve such petition at its next regular or special meeting. No area in the brand inspection area may be smaller than a county.~~

Section 8. That § 40-20-3 be repealed.

~~40-20-3. Any county which has become a part of the livestock inspection area by petition and which adjoins a noninspection area may withdraw from the inspection area by a petition requesting withdrawal. The petition shall be signed by a majority of the owners of livestock in the county seeking withdrawal. The petition shall be filed with the board. The board shall at its next regular or special meeting enter a resolution approving the withdrawal, which action removes the county described in the petition from the ownership inspection area. No area seeking withdrawal may be smaller than a county.~~

Section 9. That § 40-20-4 be amended to read as follows:

40-20-4. Except as provided in this chapter, it is a Class 1 misdemeanor for any person to remove or authorize the removal of any livestock from any point within the ~~livestock ownership inspection area~~ state to any point within one mile of the border with a destination outside the ~~ownership inspection area~~ state unless the livestock have first been inspected for ownership and

1 unless the shipper possesses the local inspection certificate, market clearance, shippers permit,
2 or such other form of authorization as may be required by the board. Except as provided in § 40-
3 20-29, a local inspection certificate is valid for transportation of livestock out of the ~~inspection~~
4 ~~area state~~ only on the date issued. If there is no valid local inspection certificate, the livestock
5 shall be inspected before leaving the ~~inspection area state~~. Livestock being removed from the
6 ~~ownership inspection area state~~ without authorization from the board may be impounded by any
7 law enforcement officer until the livestock are inspected for ownership by an authorized brand
8 inspector. The venue of any offense under this section is in the county where such livestock
9 were loaded or in any county through which the livestock were transported or trailed. Any
10 livestock being transported to a destination outside the ~~ownership inspection area state~~ shall be
11 inspected for ownership if they cease to be in the custody of the carrier at any time ~~prior to~~
12 ~~leaving the ownership inspection area before leaving the state~~. Any livestock shipper within the
13 ~~livestock ownership inspection area state~~ wanting livestock inspected as provided in this section
14 shall notify an inspector in advance of the inspection and allow the inspector reasonable time
15 to provide the inspection.

16 Section 10. That § 40-20-4.1 be amended to read as follows:

17 40-20-4.1. Notwithstanding the provisions of § 40-20-4, an owner of any livestock who
18 wishes to move the livestock out of the ~~ownership inspection area state~~ for any purpose other
19 than sale or trade of the livestock may obtain a written permit from the board for movement of
20 the livestock. The written permit shall remain in effect for the life of the livestock described,
21 or for a specific term, and it is void if the livestock changes ownership. The fee for the permit
22 shall be established by rules promulgated pursuant to chapter 1-26. The permit fee includes the
23 costs of any inspection and the fee imposed under the provisions of § 40-18-16. A permit for
24 the transportation of horses and mules may be authorized by the board pursuant to § 40-18-16.

25 Section 11. That § 40-20-5 be amended to read as follows:

26 40-20-5. If the border of the ~~livestock ownership inspection area state~~ of South Dakota
27 divides any ranch or farm, written permission may be given by the board to the owner or lessee
28 of the ranch or farm to trail livestock out of the ~~South Dakota inspection area state~~ for grazing
29 purposes without inspection. ~~The border of the South Dakota inspection area shall be contiguous~~
30 ~~to an inspection area of an adjacent state~~. The board may cancel such permission at any time
31 subject to the provisions of chapter 1-26.

32 Section 12. That § 40-20-6 be amended to read as follows:

33 40-20-6. Subject to the conditions set forth in §§ 40-20-7 to 40-20-12, inclusive, if livestock
34 is transported or trailed to a designated inspection point outside the ~~livestock ownership~~
35 ~~inspection area state~~ designated by the board as an open market, no livestock ownership
36 inspection is required at point of origin.

37 Section 13. That § 40-20-7 be amended to read as follows:

38 40-20-7. In lieu of an ownership inspection, any person who intends to remove livestock
39 from the ~~livestock ownership inspection area state~~ for the purpose of sale or slaughter may
40 obtain a shipper's permit from the board or its authorized agent for the transportation of

1 livestock to a previously designated open market or slaughter plant pursuant to § 40-18-16. The
2 permit may be obtained forty-eight hours in advance of shipment from an authorized agent of
3 the board.

4 Section 14. That § 40-20-7.1 be amended to read as follows:

5 40-20-7.1. A market clearance is valid for transporting livestock out of the ~~ownership~~
6 ~~inspection-area state~~ only if the transportation originates at the market where the livestock were
7 inspected. If the livestock are unloaded or held at any other location other than the market of
8 origin, they shall be reinspected for ownership immediately prior to further transportation.

9 Section 15. That § 40-20-10 be amended to read as follows:

10 40-20-10. If authorization is required, it is a Class 1 misdemeanor for any carrier or owner
11 to transport any livestock from the ~~livestock-ownership inspection-area state~~ or to within a mile
12 of the border with a destination outside the ~~livestock-ownership inspection-area state~~ unless the
13 carrier or owner is in possession of authorization by the board.

14 Section 16. That § 40-20-12 be amended to read as follows:

15 40-20-12. If livestock shipped from the ~~livestock-ownership inspection-area state~~ are
16 consigned to an open market described in § 40-20-6, it is a Class 1 misdemeanor for any person
17 to change the consignment to a point other than a livestock market previously designated by the
18 board as an open market, unless the livestock receive a livestock ownership inspection and the
19 carrier receives a certificate or clearance from the board showing that all the livestock belongs
20 to the shipper.

21 Section 17. That § 40-20-18 be amended to read as follows:

22 40-20-18. Any person in charge or control of any motor vehicle transporting livestock from
23 any point within the ~~livestock-ownership inspection-area state~~ shall, upon demand of any state
24 law enforcement officer, exhibit to the officer authorization as required pursuant to § 40-20-4.
25 It is a Class 2 misdemeanor for any person not to be in possession of such authorization if
26 required by the provisions of this section.

27 Section 18. That § 40-20-26 be amended to read as follows:

28 40-20-26. It is a Class 1 misdemeanor for any licensed livestock auction market in the
29 ~~livestock-ownership inspection-area state~~ to allow any livestock brought into the yards of the
30 market for purpose of sale to leave the yards until first inspected for ownership. However, if a
31 shipment of livestock arrives at any auction market in the ~~ownership inspection-area~~ after
32 daylight hours, facilities shall be made available to yard such livestock separate and apart from
33 any other livestock. The auction market may sell such livestock that night, but livestock so sold
34 shall be returned to the separate yard facilities, and may not be removed therefrom until an
35 ownership inspection has been made. The livestock ownership inspector may, ~~in his discretion,~~
36 reinspect the livestock before they leave the yards of the auction market.

1 Section 19. That § 40-20-26.1 be amended to read as follows:

2 40-20-26.1. It is a Class 1 misdemeanor for any person to sell or to transfer ownership of any
3 livestock within the ~~livestock ownership inspection area~~ state without first obtaining an
4 ownership inspection, except as provided in § 40-20-26.

5 Section 20. That § 40-20-26.2 be amended to read as follows:

6 40-20-26.2. The provisions of § 40-20-26.1 notwithstanding, ownership of livestock with
7 the seller's South Dakota recorded and healed brand or the owner's unbranded livestock may be
8 transferred by means of an authorized bill of sale without a brand inspection. The bill of sale
9 shall be on a form prescribed by the board. A copy of an authorized bill of sale shall be
10 forwarded to the board. An authorized bill of sale does not substitute for inspection of livestock
11 being removed from the ~~ownership inspection area of South Dakota~~ state.

12 An authorized bill of sale may transfer no more than five head of livestock to any one buyer.
13 Multiple authorized bills of sale may not be executed to subdivide numbers of livestock greater
14 than five to any one buyer. The transfer of livestock without an authorized bill of sale under this
15 section or in violation of the requirements relating to the number of livestock that may be
16 transferred to a single buyer is a Class 1 misdemeanor.

17 Section 21. That § 40-20-29 be amended to read as follows:

18 40-20-29. It is a Class 1 misdemeanor for any person to slaughter or process livestock
19 commercially within the ~~livestock ownership inspection area~~ state until the livestock have
20 received an ownership inspection and the certificate of such inspection is filed and is made a
21 part of that person's permanent records, or unless the person has the hide of each slaughtered
22 carcass available for inspection. An ownership brand inspection certificate on livestock is valid
23 for no longer than four days from the date of issue. Livestock arriving at slaughter destination
24 later than four days from the date indicated on the inspection certificate shall be inspected and
25 the fee collected. All certificates of ownership inspection shall, at any time upon demand, be
26 displayed to any law enforcement officer or to the board.

27 Section 22. That § 40-20-32 be amended to read as follows:

28 40-20-32. Any person who operates a drylot cattle feeding operation, within the confines of
29 permanently fenced lots ~~and within the ownership inspection area~~ may apply to the board for
30 designation as a registered feedlot. The board shall prescribe a form for this purpose. Upon
31 receipt of an application and within thirty days, the board may grant a permit if the following
32 requirements are satisfied:

33 (1) The operator's feedlot is a permanently fenced drylot;

34 (2) The operator commonly practices feeding cattle to finish for slaughter; and

35 (3) The operator brands all cattle carrying mixed brands, held under common ownership,
36 with a registered brand or a feedlot assigned brand approved by the board.

1 Section 23. That § 40-20-37 be amended to read as follows:

2 40-20-37. It is a Class 1 misdemeanor for any buyer of livestock at a licensed livestock
3 auction market ~~in the ownership inspection area~~, or any person on the buyer's behalf, to remove
4 any livestock from the market until the livestock have been inspected for ownership as provided
5 in § 40-20-26.

6 Section 24. That § 40-20-39 be amended to read as follows:

7 40-20-39. Livestock that is removed from the ~~ownership inspection area~~ state in violation
8 of this chapter may be inspected at any place outside the inspection area and the fee collected
9 for the inspection. The inspection does not exempt any person from prosecution for violation
10 of the inspection laws.

11 Section 25. That § 40-21-10 be amended to read as follows:

12 40-21-10. If any livestock, inspected under the provisions of this chapter or chapter 40-20
13 ~~bears bear~~ an unrecorded brand, or a recorded brand other than the brand of the person selling
14 the livestock or transporting the livestock out of the ~~ownership inspection area~~ state, and ~~does~~
15 do not bear the recorded brand of ~~such the~~ person, then the person selling or transporting the
16 livestock shall ~~be required to~~ establish ownership to the livestock; by presenting to the livestock
17 ownership inspector a witnessed bill of sale to the animal or by other satisfactory evidence of
18 ownership which may include an affidavit of ownership signed by the person selling or
19 transporting the livestock and witnessed by the ownership inspector. If any livestock listed on
20 the original bill of sale or affidavit of ownership are not sold or transported out of the ~~ownership~~
21 ~~inspection area~~ state, the inspector shall pick up the ownership documents and issue a receipt
22 showing the number of livestock sold or transported and the number remaining. If any livestock
23 are unbranded, the inspector may require the shipper or seller to establish ownership by
24 presenting to the inspector an affidavit of ownership. Only an original bill of sale or affidavit
25 of ownership is valid for proof of ownership. Any bill of sale or affidavit shall be notarized or
26 signed by two witnesses.

27 Section 26. That § 40-21-11 be amended to read as follows:

28 40-21-11. If any livestock inspected under the provisions of this chapter or chapter 40-20
29 ~~bears bear~~ the recorded brand of the seller or the person transporting the livestock out of the
30 ~~ownership inspection area~~ state, and also ~~bears bear~~ a recorded brand of another person, then
31 the seller or the person transporting the livestock out of the ~~ownership inspection area~~ state may
32 be required, at the discretion of the livestock ownership inspector, to establish ownership to the
33 livestock by presenting to the ownership inspector satisfactory evidence of ownership.

34 Section 27. That § 40-21-12.1 be amended to read as follows:

35 40-21-12.1. If the person transporting livestock out of the ~~ownership inspection area~~ state
36 as described in § 40-21-10 or 40-21-11 fails to establish ownership of any livestock, the board
37 may hold the livestock. If a hold has been placed on the livestock, it is a Class 1 misdemeanor
38 for the person to remove the livestock from the ~~ownership inspection area~~ state or sell the
39 livestock before the board has cleared the hold for release. Any livestock hold continuing

beyond sixty days shall be forwarded by the inspector to the board for review and final disposition, which may include clarification, settlement, or payment related to proper ownership.

Section 28. That § 40-22-12 be amended to read as follows:

40-22-12. Any person slaughtering or processing livestock ~~outside the ownership inspection area~~ shall, upon demand of any law enforcement officer, provide names and dates of persons who delivered livestock for slaughter that may have originated from within the ~~ownership inspection area~~ state."

1089tb

Delete the previous amendment (1089ta).

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 40-18-2 be amended to read as follows:

40-18-2. At least three of the five members of the board shall be persons who derive the major portion of their income from the livestock business and who are owners of brands duly recorded with the board. ~~At least three of the five members of the board shall reside in the livestock ownership inspection areas.~~ No appointed member may act as a member of the board while holding an elective or appointive state or federal office. No more than three of the members ~~shall~~ may be of any one political party. All members of the board shall be South Dakota residents.

Section 2. That § 40-18-15 be amended to read as follows:

40-18-15. The board may inspect all livestock moved within the ~~South Dakota livestock ownership inspection area and all livestock leaving the South Dakota livestock ownership inspection area~~ state and all livestock leaving the state for the purpose of determining the proper ownership and brands, if any, of such livestock and shall have general charge, supervision, and custody of all instruments, records, and files in connection with such ownership inspection activities.

Section 3. That § 40-18-16 be amended to read as follows:

40-18-16. The board may promulgate rules pursuant to chapter 1-26 to:

- (1) Describe prohibited brand symbols for various types of livestock and identify locations on animals where a brand is permitted;
- (2) Provide for the registration, transfer, and renewal of livestock brands;
- (3) Establish a brand registration fee not to exceed twenty-five dollars;

- 1 (4) Establish a brand renewal fee not to exceed ten dollars per year or a brand renewal
2 fee not to exceed fifty dollars for each five-year ownership period and a brand
3 transfer fee not to exceed twenty-five dollars;
- 4 (5) Establish an ownership inspection fee not to exceed one dollar for each head of
5 livestock;
- 6 (6) Establish recordable livestock brands;
- 7 (7) Establish law enforcement, ownership inspection, and transportation requirements
8 ~~within or without the ownership inspection area;~~
- 9 (8) Establish a duplicate certificate fee not to exceed five dollars;
- 10 (9) Establish a mileage fee for inspectors not to exceed the rate set by the State Board of
11 Finance.

12 Section 4. That § 40-18-17 be amended to read as follows:

13 40-18-17. The Brand Board shall provide for the registration of livestock brands, for the
14 inspection of livestock for ownership identification purposes, and for the enforcement of laws
15 pertaining to the inspection, sale, branding, ownership, transportation, and theft of livestock
16 ~~within the ownership inspection area and the state.~~

17 Section 5. That § 40-19-10.1 be amended to read as follows:

18 40-19-10.1. No person may bring cattle branded with a brand registered in another state into
19 ~~the ownership inspection area~~ state for grazing or feeding purposes without a permit authorized
20 by the board. If the brand is a duplicate of or conflicts with a brand issued pursuant to this
21 chapter, a permit may only be issued at the discretion of the board. No permit is required if the
22 cattle are rebranded with a brand registered pursuant to this chapter. The application for a permit
23 shall be on a form approved by the board and shall be signed by the owner of the cattle. Any
24 calves born to cattle which are subject to the permit may be branded with the out-of-state brand
25 upon prior written notice to the board. The calves shall be added to the permit. No cattle or
26 calves subject to the permit may be removed from the ~~ownership inspection area~~ state, sold, or
27 slaughtered without an ownership inspection.

28 No person may brand any cattle imported into or purchased within the ~~ownership inspection~~
29 ~~area~~ state for feeding purposes with a brand registered in another state without a permit
30 authorized by the board. No permit may be issued if the brand is a duplicate of or conflicts with
31 a brand issued pursuant to this chapter. The application for a permit shall be signed by the owner
32 of the cattle. No cattle subject to the permit may be removed from the ~~ownership inspection area~~
33 state, sold, or slaughtered without an ownership inspection.

34 Cattle purchased at a licensed livestock auction market in the ~~ownership inspection area~~
35 state may be branded with the owner's out-of-state brand if the cattle are branded at the market,
36 are purchased for export from the state within two calendar days of purchase, and an
37 authorization form is obtained from the board prior to branding the cattle.

1 A violation of this section is a Class 1 misdemeanor.

2 Section 6. That § 40-20-1 be amended to read as follows:

3 40-20-1. The South Dakota livestock ownership inspection area consists of all of that part
4 of the entire State of South Dakota ~~lying within the following counties: Harding, Butte,~~
5 ~~Lawrence, Pennington, Custer, Fall River, Perkins, Meade, Shannon, Corson, Dewey, Ziebach,~~
6 ~~Haakon, Stanley, Jackson, Jones, Mellette, Bennett, Todd, Lyman, Tripp, and Gregory.~~

7 Section 7. That § 40-20-2 be repealed.

8 ~~40-20-2. Any county contiguous to the livestock ownership inspection area may become a~~
9 ~~part of such area upon a petition signed by a majority of the owners of livestock residing within~~
10 ~~such county to be attached, which shall be presented to the board. The board shall, in its~~
11 ~~discretion, either reject or approve such petition at its next regular or special meeting. No area~~
12 ~~in the brand inspection area may be smaller than a county.~~

13 Section 8. That § 40-20-3 be repealed.

14 ~~40-20-3. Any county which has become a part of the livestock inspection area by petition~~
15 ~~and which adjoins a noninspection area may withdraw from the inspection area by a petition~~
16 ~~requesting withdrawal. The petition shall be signed by a majority of the owners of livestock in~~
17 ~~the county seeking withdrawal. The petition shall be filed with the board. The board shall at its~~
18 ~~next regular or special meeting enter a resolution approving the withdrawal, which action~~
19 ~~removes the county described in the petition from the ownership inspection area. No area~~
20 ~~seeking withdrawal may be smaller than a county.~~

21 Section 9. That § 40-20-4 be amended to read as follows:

22 40-20-4. Except as provided in this chapter, it is a Class 1 misdemeanor for any person to
23 remove or authorize the removal of any livestock from any point within the ~~livestock ownership~~
24 ~~inspection area~~ state to any point within one mile of the border with a destination outside the
25 ~~ownership inspection area~~ state unless the livestock have first been inspected for ownership and
26 unless the shipper possesses the local inspection certificate, market clearance, shippers permit,
27 or such other form of authorization as may be required by the board. Except as provided in § 40-
28 20-29, a local inspection certificate is valid for transportation of livestock out of the ~~inspection~~
29 ~~area~~ state only on the date issued. If there is no valid local inspection certificate, the livestock
30 shall be inspected before leaving the ~~inspection area~~ state. Livestock being removed from the
31 ~~ownership inspection area~~ state without authorization from the board may be impounded by any
32 law enforcement officer until the livestock are inspected for ownership by an authorized brand
33 inspector. The venue of any offense under this section is in the county where such livestock
34 were loaded or in any county through which the livestock were transported or trailed. Any
35 livestock being transported to a destination outside the ~~ownership inspection area~~ state shall be
36 inspected for ownership if they cease to be in the custody of the carrier at any time ~~prior to~~
37 ~~leaving the ownership inspection area~~ before leaving the state. Any livestock shipper within the
38 ~~livestock ownership inspection area~~ state wanting livestock inspected as provided in this section
39 shall notify an inspector in advance of the inspection and allow the inspector reasonable time
40 to provide the inspection.

1 Section 10. That § 40-20-4.1 be amended to read as follows:

2 40-20-4.1. Notwithstanding the provisions of § 40-20-4, an owner of any livestock who
3 wishes to move the livestock out of the ~~ownership inspection area~~ state for any purpose other
4 than sale or trade of the livestock may obtain a written permit from the board for movement of
5 the livestock. The written permit shall remain in effect for the life of the livestock described,
6 or for a specific term, and it is void if the livestock changes ownership. The fee for the permit
7 shall be established by rules promulgated pursuant to chapter 1-26. The permit fee includes the
8 costs of any inspection and the fee imposed under the provisions of § 40-18-16. A permit for
9 the transportation of horses and mules may be authorized by the board pursuant to § 40-18-16.

10 Section 11. That § 40-20-5 be amended to read as follows:

11 40-20-5. If the border of the ~~livestock ownership inspection area~~ state of South Dakota
12 divides any ranch or farm, written permission may be given by the board to the owner or lessee
13 of the ranch or farm to trail livestock out of the ~~South Dakota inspection area~~ state for grazing
14 purposes without inspection. ~~The border of the South Dakota inspection area shall be contiguous~~
15 ~~to an inspection area of an adjacent state.~~ The board may cancel such permission at any time
16 subject to the provisions of chapter 1-26.

17 Section 12. That § 40-20-6 be amended to read as follows:

18 40-20-6. Subject to the conditions set forth in §§ 40-20-7 to 40-20-12, inclusive, if livestock
19 is transported or traileed to a designated inspection point outside the ~~livestock ownership~~
20 ~~inspection area~~ state designated by the board as an open market, no livestock ownership
21 inspection is required at point of origin.

22 Section 13. That § 40-20-7 be amended to read as follows:

23 40-20-7. In lieu of an ownership inspection, any person who intends to remove livestock
24 from the ~~livestock ownership inspection area~~ state for the purpose of sale or slaughter may
25 obtain a shipper's permit from the board or its authorized agent for the transportation of
26 livestock to a previously designated open market or slaughter plant pursuant to § 40-18-16. The
27 permit may be obtained forty-eight hours in advance of shipment from an authorized agent of
28 the board.

29 Section 14. That § 40-20-7.1 be amended to read as follows:

30 40-20-7.1. A market clearance is valid for transporting livestock out of the ~~ownership~~
31 ~~inspection area~~ state only if the transportation originates at the market where the livestock were
32 inspected. If the livestock are unloaded or held at any other location other than the market of
33 origin, they shall be reinspected for ownership immediately prior to further transportation.

34 Section 15. That § 40-20-10 be amended to read as follows:

35 40-20-10. If authorization is required, it is a Class 1 misdemeanor for any carrier or owner
36 to transport any livestock from the ~~livestock ownership inspection area~~ state or to within a mile

1 of the border with a destination outside the ~~livestock ownership inspection area~~ state unless the
2 carrier or owner is in possession of authorization by the board.

3 Section 16. That § 40-20-12 be amended to read as follows:

4 40-20-12. If livestock shipped from the ~~livestock ownership inspection area~~ state are
5 consigned to an open market described in § 40-20-6, it is a Class 1 misdemeanor for any person
6 to change the consignment to a point other than a livestock market previously designated by the
7 board as an open market, unless the livestock receive a livestock ownership inspection and the
8 carrier receives a certificate or clearance from the board showing that all the livestock belongs
9 to the shipper.

10 Section 17. That § 40-20-18 be amended to read as follows:

11 40-20-18. Any person in charge or control of any motor vehicle transporting livestock from
12 any point within the ~~livestock ownership inspection area~~ state shall, upon demand of any state
13 law enforcement officer, exhibit to the officer authorization as required pursuant to § 40-20-4.
14 It is a Class 2 misdemeanor for any person not to be in possession of such authorization if
15 required by the provisions of this section.

16 Section 18. That § 40-20-26 be amended to read as follows:

17 40-20-26. It is a Class 1 misdemeanor for any licensed livestock auction market in the
18 ~~livestock ownership inspection area~~ state to allow any livestock brought into the yards of the
19 market for purpose of sale to leave the yards until first inspected for ownership. However, if a
20 shipment of livestock arrives at any auction market ~~in the ownership inspection area~~ after
21 daylight hours, facilities shall be made available to yard such livestock separate and apart from
22 any other livestock. The auction market may sell such livestock that night, but livestock so sold
23 shall be returned to the separate yard facilities, and may not be removed therefrom until an
24 ownership inspection has been made. The livestock ownership inspector may, ~~in his discretion,~~
25 reinspect the livestock before they leave the yards of the auction market.

26 Section 19. That § 40-20-26.1 be amended to read as follows:

27 40-20-26.1. It is a Class 1 misdemeanor for any person to sell or to transfer ownership of any
28 livestock within the ~~livestock ownership inspection area~~ state without first obtaining an
29 ownership inspection, except as provided in § 40-20-26.

30 Section 20. That § 40-20-26.2 be amended to read as follows:

31 40-20-26.2. The provisions of § 40-20-26.1 notwithstanding, ownership of livestock with
32 the seller's South Dakota recorded and healed brand or the owner's unbranded livestock may be
33 transferred by means of an authorized bill of sale without a brand inspection. The bill of sale
34 shall be on a form prescribed by the board. A copy of an authorized bill of sale shall be
35 forwarded to the board. An authorized bill of sale does not substitute for inspection of livestock
36 being removed from the ~~ownership inspection area of South Dakota~~ state.

1 An authorized bill of sale may transfer no more than five head of livestock to any one buyer.
2 Multiple authorized bills of sale may not be executed to subdivide numbers of livestock greater
3 than five to any one buyer. The transfer of livestock without an authorized bill of sale under this
4 section or in violation of the requirements relating to the number of livestock that may be
5 transferred to a single buyer is a Class 1 misdemeanor.

6 Section 21. That § 40-20-29 be amended to read as follows:

7 40-20-29. It is a Class 1 misdemeanor for any person to slaughter or process livestock
8 commercially within the ~~livestock ownership inspection area~~ state until the livestock have
9 received an ownership inspection and the certificate of such inspection is filed and is made a
10 part of that person's permanent records, or unless the person has the hide of each slaughtered
11 carcass available for inspection. An ownership brand inspection certificate on livestock is valid
12 for no longer than four days from the date of issue. Livestock arriving at slaughter destination
13 later than four days from the date indicated on the inspection certificate shall be inspected and
14 the fee collected. All certificates of ownership inspection shall, at any time upon demand, be
15 displayed to any law enforcement officer or to the board.

16 Section 22. That § 40-20-32 be amended to read as follows:

17 40-20-32. Any person who operates a drylot cattle feeding operation, within the confines of
18 permanently fenced lots ~~and within the ownership inspection area~~ may apply to the board for
19 designation as a registered feedlot. The board shall prescribe a form for this purpose. Upon
20 receipt of an application and within thirty days, the board may grant a permit if the following
21 requirements are satisfied:

- 22 (1) The operator's feedlot is a permanently fenced drylot;
- 23 (2) The operator commonly practices feeding cattle to finish for slaughter; and
- 24 (3) The operator brands all cattle carrying mixed brands, held under common ownership,
25 with a registered brand or a feedlot assigned brand approved by the board.

26 Section 23. That § 40-20-37 be amended to read as follows:

27 40-20-37. It is a Class 1 misdemeanor for any buyer of livestock at a licensed livestock
28 auction market ~~in the ownership inspection area~~, or any person on the buyer's behalf, to remove
29 any livestock from the market until the livestock have been inspected for ownership as provided
30 in § 40-20-26.

31 Section 24. That § 40-20-39 be amended to read as follows:

32 40-20-39. Livestock that is removed from the ~~ownership inspection area~~ state in violation
33 of this chapter may be inspected at any place outside the inspection area and the fee collected
34 for the inspection. The inspection does not exempt any person from prosecution for violation
35 of the inspection laws.

1 Section 25. That § 40-21-10 be amended to read as follows:

2 40-21-10. If any livestock, inspected under the provisions of this chapter or chapter 40-20
3 ~~bears bear~~ an unrecorded brand, or a recorded brand other than the brand of the person selling
4 the livestock or transporting the livestock out of the ~~ownership inspection area state~~, and ~~does~~
5 ~~do~~ not bear the recorded brand of ~~such the~~ person, then the person selling or transporting the
6 livestock shall ~~be required to~~ establish ownership to the livestock; by presenting to the livestock
7 ownership inspector a witnessed bill of sale to the animal or by other satisfactory evidence of
8 ownership which may include an affidavit of ownership signed by the person selling or
9 transporting the livestock and witnessed by the ownership inspector. If any livestock listed on
10 the original bill of sale or affidavit of ownership are not sold or transported out of the ~~ownership~~
11 ~~inspection area state~~, the inspector shall pick up the ownership documents and issue a receipt
12 showing the number of livestock sold or transported and the number remaining. If any livestock
13 are unbranded, the inspector may require the shipper or seller to establish ownership by
14 presenting to the inspector an affidavit of ownership. Only an original bill of sale or affidavit
15 of ownership is valid for proof of ownership. Any bill of sale or affidavit shall be notarized or
16 signed by two witnesses.

17 Section 26. That § 40-21-11 be amended to read as follows:

18 40-21-11. If any livestock inspected under the provisions of this chapter or chapter 40-20
19 ~~bears bear~~ the recorded brand of the seller or the person transporting the livestock out of the
20 ~~ownership inspection area state~~, and also ~~bears bear~~ a recorded brand of another person, then
21 the seller or the person transporting the livestock out of the ~~ownership inspection area state~~ may
22 be required, at the discretion of the livestock ownership inspector, to establish ownership to the
23 livestock by presenting to the ownership inspector satisfactory evidence of ownership.

24 Section 27. That § 40-21-12.1 be amended to read as follows:

25 40-21-12.1. If the person transporting livestock out of the ~~ownership inspection area state~~
26 as described in § 40-21-10 or 40-21-11 fails to establish ownership of any livestock, the board
27 may hold the livestock. If a hold has been placed on the livestock, it is a Class 1 misdemeanor
28 for the person to remove the livestock from the ~~ownership inspection area state~~ or sell the
29 livestock before the board has cleared the hold for release. Any livestock hold continuing
30 beyond sixty days shall be forwarded by the inspector to the board for review and final
31 disposition, which may include clarification, settlement, or payment related to proper ownership.

32 Section 28. That § 40-22-12 be amended to read as follows:

33 40-22-12. Any person slaughtering or processing livestock ~~outside the ownership inspection~~
34 ~~area~~ shall, upon demand of any law enforcement officer, provide names and dates of persons
35 who delivered livestock for slaughter that may have originated from within the ~~ownership~~
36 ~~inspection area state~~.

37 Section 29. This Act is effective on July 1, 2015."

38 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1149 and returns the same with the recommendation that said bill be
4 amended as follows:

5 1149ta

6 On page 2, line 2, of the printed bill, after "angling" insert "from a single watercraft".

7 On page 2, line 3, delete ", however," and insert ". However,".

8 On page 2, line 6, delete everything after "." .

9 On page 2, delete lines 7 to 10, inclusive.

10 And that as so amended said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on Agriculture and Natural Resources respectfully reports that it has had
13 under consideration HB 1187 and returns the same with the recommendation that said bill be
14 amended as follows:

15 1187tb

16 On page 1, line 11 of the printed bill, before "is effective" delete "certificate" and insert
17 "endorsement".

18 On page 1, line 11, after "The" delete "certificate" and insert "endorsement".

19 On page 1, line 12, after "." insert "The Brand Board shall promulgate rules pursuant to
20 chapter 1-26 to specify criteria to be used to identify and verify ownership of the livestock. The
21 rules shall include a requirement that other means of permanent, individual identification of the
22 livestock, including tattoos, number brands, or photographs, be provided in addition to the
23 registered brand. The rules shall also establish an annual fee for issuance of the endorsement
24 authorized in this section and provide for collection of the fee. The fee may not exceed one
25 hundred dollars per year.".

26 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1132 and 1181 which were tabled.

4 Respectfully submitted,
5 Charles B. Hoffman, Chair

6 Also MR. SPEAKER:

7 The Committee on Transportation respectfully reports that it has had under consideration
8 HB 1197, which was reconsidered, which was tabled.

9 Respectfully submitted,
10 Mike Verchio, Chair

11 **MESSAGES FROM THE SENATE**

12 MR. SPEAKER:

13 I have the honor to return herewith HB 1097 which has passed the Senate without change.

14 Also MR. SPEAKER:

15 I have the honor to transmit herewith SB 10, 11, 111, 151, 157, 166, 189, 190, 194, and
16 198 and SJR 1 which have passed the Senate and your favorable consideration is respectfully
17 requested.

18 Also MR. SPEAKER:

19 I have the honor to transmit herewith SCR 1 which has been adopted by the Senate and
20 your concurrence is respectfully requested.

21 Respectfully,
22 Jeannette Schipper, Secretary

23 **MOTIONS AND RESOLUTIONS**

24 HOUSE PAGE RESOLUTION 3 Introduced by: Representatives Bartling; Bolin;
25 Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
26 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen;
27 Hawks; Hawley; Heinemann; Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;

1 Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman;
2 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
3 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp, Sly;
4 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
5 Wismer.

6 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
7 of the Eighty-eighth Legislature of the State of South Dakota to Madeline Bauer, Hadley
8 Cropsey, August Crowley, Valentina Diolaiti, Tomi Jones, Emily Jons, Scott Mah, Thomas
9 Nealon, Laramie Olivier, Jesse Schuster, Andrew Wegner, Ryder Wilson, Caleb Wynia.

10 WHEREAS, the above named served loyally as pages for the House of Representatives of
11 the Eighty-eighth Legislative Session; and

12 WHEREAS, the members of the Eighty-eighth House of Representatives express their most
13 sincere appreciation to these young people for their service to the state; and

14 WHEREAS, the members extend to these young people their wishes for every success in
15 life:

16 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
17 eighth Legislature of the State of South Dakota, that a personal copy of this resolution be duly
18 certified and furnished to each page on this last day of service.

19 Rep. Conzet moved that House Page Resolution 3 be adopted.

20 Which motion prevailed and the resolution was adopted.

21 Rep. Nelson moved that the Committee on State Affairs be instructed to deliver HB 1222
22 to the floor of the House, pursuant to Joint Rule 7-7.

23 A roll call vote was requested and supported.

24 The question being on Rep. Nelson's motion that the Committee on State Affairs be
25 instructed to deliver HB 1222 to the floor of the House, pursuant to Joint Rule 7-7.

26 And the roll being called:

27 Yeas 23, Nays 45, Excused 2, Absent 0

28 Yeas:

29 Campbell; Craig; Ecklund; Greenfield; Haggar (Jenna); Hickey; Kaiser; Kopp; Latterell; May;
30 Nelson; Olson (Betty); Peterson; Qualm; Rasmussen; Russell; Schoenfish; Soli; Stalzer; Steele;
31 Tyler; Verchio; Wick

1 Nays:

2 Bartling; Bolin; Cammack; Carson; Conzet; Cronin; Dryden; Duvall; Erickson; Feickert;
3 Gibson; Hagggar (Don); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert;
4 Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Lust; Magstadt; Mickelson;
5 Munsterman; Novstrup (David); Otten (Herman); Parsley; Ring; Romkema; Rounds; Rozum;
6 Schaefer; Schrempp; Sly; Solum; Stevens; Tulson; Werner; Westra; Wink; Wismer; Speaker
7 Gosch

8 Excused:

9 Feinstein; Miller

10 So the motion not having received an affirmative vote of a one-third majority of the
11 members-elect, the Speaker declared the motion lost.

12 (Journal correction: See page 419 of the House Journal.)

13 Yesterday, Rep. Russell announced his intention to reconsider the vote by which HB 1128
14 lost.

15 Rep. Russell moved that the House do now reconsider the vote by which HB 1128 lost.

16 The question being on Rep. Russell's motion to reconsider the vote by which HB 1128 lost.

17 And the roll being called:

18 Yeas 38, Nays 31, Excused 1, Absent 0

19 Yeas:

20 Bolin; Cammack; Campbell; Conzet; Craig; Ecklund; Greenfield; Hagggar (Don); Hagggar
21 (Jenna); Hansen; Heinemann (Leslie); Hickey; Hoffman; Kaiser; Kopp; Latterell; Magstadt;
22 May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Qualm;
23 Rasmussen; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Stalzer; Steele; Verchio;
24 Werner; Wick; Wink; Speaker Gosch

25 Nays:

26 Bartling; Carson; Cronin; Dryden; Duvall; Erickson; Feickert; Gibson; Hajek; Hawks; Hawley;
27 Heinert; Hunhoff (Bernie); Johns; Killer; Kirschman; Lust; Otten (Herman); Parsley; Peterson;
28 Ring; Romkema; Rozum; Sly; Soli; Solum; Stevens; Tulson; Tyler; Westra; Wismer

29 Excused:

30 Feinstein

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and HB 1128 was up for reconsideration and final passage.

1 HB 1128: FOR AN ACT ENTITLED, An Act to allow certain students to participate in
2 the opportunity scholarship program under certain circumstances.

3 Having had its second reading was up for reconsideration and final passage.

4 1128cc

5 Rep. Russell moved that HB 1128 be amended as follows:

6 On page 1, line 7, of the House Education Committee engrossed bill, overstrike everything
7 after "by" and insert "ACT Incorporated after July 1, 2013,".

8 On page 1, line 11, after "Test" insert "after July 1, 2013,".

9 On page 2, line 1, after "Incorporated" insert "after July 1, 2013,".

10 On page 2, line 2, delete "twenty-four" and insert "twenty-six".

11 On page 2, line 5, delete "one thousand ninety" and insert "one thousand one hundred
12 seventy".

13 On page 2, delete lines 10 to 13, inclusive.

14 Which motion prevailed.

15 The question being "Shall HB 1128 pass as amended?"

16 And the roll being called:

17 Yeas 37, Nays 32, Excused 1, Absent 0

18 Yeas:

19 Bolin; Cammack; Campbell; Conzet; Craig; Ecklund; Greenfield; Haggar (Don); Haggar
20 (Jenna); Hansen; Heinemann (Leslie); Hoffman; Kaiser; Kopp; Latterell; Lust; Magstadt; May;
21 Mickelson; Miller; Munsterman; Nelson; Olson (Betty); Qualm; Rasmussen; Russell; Schaefer;
22 Schoenfish; Sly; Stalzer; Steele; Tulson; Verchio; Werner; Wick; Wink; Speaker Gosch

23 Nays:

24 Bartling; Carson; Cronin; Dryden; Duvall; Erickson; Feickert; Gibson; Hajek; Hawks; Hawley;
25 Heinert; Hickey; Hunhoff (Bernie); Johns; Killer; Kirschman; Novstrup (David); Otten
26 (Herman); Parsley; Peterson; Ring; Romkema; Rounds; Rozum; Schrempp; Soli; Solum;
27 Stevens; Tyler; Westra; Wismer

28 Excused:

29 Feinstein

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 SCR 1: A CONCURRENT RESOLUTION, Urging action by Congress on agricultural
4 issues and the federal farm bill.

5 Was read the first time and the Speaker waived the committee referral.

6 Rep. Lust moved that when we adjourn today, we adjourn to convene at 12:15 p.m. on
7 Friday, February 15, the 24th legislative day.

8 Which motion prevailed.

9 **CONSIDERATION OF REPORTS OF COMMITTEES**

10 Rep. Lust moved that the reports of the Standing Committees on
11 State Affairs on HB 1045 as found on page 364 of the House Journal; also
12 State Affairs on HB 1217 as found on page 365 of the House Journal; also
13 Commerce and Energy on HB 1191 as found on page 366 of the House Journal; also
14 Commerce and Energy on HB 1194 as found on page 367 of the House Journal; also
15 Commerce and Energy on HB 1234 as found on page 367 of the House Journal be adopted.
16 Which motion prevailed.

17 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18 SB 10: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
19 for the construction of swine teaching and research facilities at South Dakota State University
20 and to make an appropriation therefor.

21 Was read the first time and referred to the Committee on Appropriations.

22 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
23 for the construction of an indoor practice and human performance facility on the campus of
24 South Dakota State University and to make an appropriation therefor.

1 Was read the first time and referred to the Committee on Appropriations.

2 SB 111: FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform
3 Commercial Code relating to electronic funds transfers and to declare an emergency.

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 SB 151: FOR AN ACT ENTITLED, An Act to clarify the maintenance responsibilities on
6 unimproved section lines.

7 Was read the first time and referred to the Committee on Transportation.

8 SB 157: FOR AN ACT ENTITLED, An Act to revise the distribution from the wind energy
9 tax fund.

10 Was read the first time and referred to the Committee on Commerce and Energy.

11 SB 166: FOR AN ACT ENTITLED, An Act to revise the number of years that permits to
12 carry a concealed weapon are valid.

13 Was read the first time and referred to the Committee on Local Government.

14 SB 189: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
15 environment fund, the water pollution control revolving fund subfund, and the drinking water
16 revolving fund subfund for various water and environmental purposes and to declare an
17 emergency.

18 Was read the first time and referred to the Committee on Appropriations.

19 SB 190: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
20 for elderly persons and persons with a disability, to revise the income eligibility requirements
21 for property and sales tax refunds, and to declare an emergency.

22 Was read the first time and referred to the Committee on Appropriations.

23 SB 194: FOR AN ACT ENTITLED, An Act to extend the sunset date for certain
24 expenditures from a school district's capital outlay fund.

25 Was read the first time and referred to the Committee on Education.

SB 198: FOR AN ACT ENTITLED, An Act to revise the membership of the Judicial Qualifications Commission.

Was read the first time and referred to the Committee on Judiciary.

SJR 1: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article III, section 6 of the Constitution of the State of South Dakota, relating to legislative terms and legislative term limits.

Was read the first time and referred to the Committee on State Affairs.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1209: FOR AN ACT ENTITLED, An Act to prohibit certain persons who fail to pay certain campaign finance related penalties from running for office.

Was read the second time.

The question being "Shall HB 1209 pass as amended?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Feinstein; Miller

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

HB 1093: FOR AN ACT ENTITLED, An Act to allow the use of dogs to hunt mountain lions and leashed dogs to track and retrieve wounded or presumed dead big game animals.

Was read the second time.

1 The question being "Shall HB 1093 pass as amended?"

2 And the roll being called:

3 Yeas 67, Nays 1, Excused 2, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
6 Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
7 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
8 Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
9 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
10 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
11 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
12 Speaker Gosch

13 Nays:

14 Carson

15 Excused:

16 Feinstein; Miller

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 HB 1246: FOR AN ACT ENTITLED, An Act to authorize certain pesticide applicators to
20 apply pesticide on their own property.

21 Was read the second time.

22 The question being "Shall HB 1246 pass as amended?"

23 And the roll being called:

24 Yeas 68, Nays 0, Excused 2, Absent 0

25 Yeas:

26 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
27 Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
28 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
29 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
30 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
31 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
32 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
33 Wick; Wink; Wismer; Speaker Gosch

1 Excused:
2 Feinstein; Miller

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1162: FOR AN ACT ENTITLED, An Act to provide for special organ donation decals
6 for license plates.

7 Was read the second time.

8 The question being "Shall HB 1162 pass as amended?"

9 And the roll being called:

10 Yeas 68, Nays 0, Excused 2, Absent 0

11 Yeas:
12 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
13 Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
14 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
15 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
16 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
17 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
18 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
19 Wick; Wink; Wismer; Speaker Gosch

20 Excused:
21 Feinstein; Miller

22 So the bill having received an affirmative vote of a two-thirds majority of the members-
23 elect, the Speaker declared the bill passed and the title was agreed to.

24 HB 1220: FOR AN ACT ENTITLED, An Act to permit the use of golf carts under certain
25 circumstances within state parks or recreation areas.

26 Was read the second time.

27 The question being "Shall HB 1220 pass as amended?"

28 And the roll being called:

29 Yeas 61, Nays 7, Excused 2, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Munsterman;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
8 Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink

9 Nays:

10 May; Nelson; Ring; Schrempp; Verchio; Wismer; Speaker Gosch

11 Excused:

12 Feinstein; Miller

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1215: FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a
16 limited constitutional convention to vote for unauthorized amendments contrary to legislative
17 instructions and to provide a penalty for the violation thereof.

18 Was read the second time.

19 1215ra

20 Rep. Steele moved that HB 1215 be amended as follows:

21 On page 1, line 9, of the printed bill, delete everything after "Dakota" .

22 On page 1, line 10, delete everything before "requiring" .

23 On page 2, line 4, delete "subject" and insert "permitted subject matter or permitted text
24 of the application as may be defined by any legislative instructions".

25 On page 2, delete line 5.

26 On page 2, line 16, delete "United States of America" and insert "Constitution of the
27 United States".

28 On page 2, delete line 17.

29 On page 2, line 24, delete "fifty".

1 On page 3, line 1, delete "forty-nine" and insert "states".

2 Which motion prevailed.

3 1215rc

4 Rep. Cronin moved that HB 1215 be further amended as follows:

5 On page 2, line 11, of the printed bill, delete "candidate for".

6 Which motion prevailed.

7 The question being "Shall HB 1215 pass as amended?"

8 And the roll being called:

9 Yeas 28, Nays 40, Excused 2, Absent 0

10 Yeas:

11 Conzet; Cronin; Ecklund; Erickson; Gibson; Hansen; Hawks; Heinemann (Leslie); Hoffman;
12 Hunhoff (Bernie); Killer; Latterell; Lust; Magstadt; Mickelson; Nelson; Novstrup (David);
13 Olson (Betty); Otten (Herman); Parsley; Qualm; Sly; Stalzer; Steele; Stevens; Westra; Wick;
14 Speaker Gosch

15 Nays:

16 Bartling; Bolin; Cammack; Campbell; Carson; Craig; Dryden; Duvall; Feickert; Greenfield;
17 Haggar (Don); Haggar (Jenna); Hajek; Hawley; Heinert; Hickey; Johns; Kaiser; Kirschman;
18 Kopp; May; Munsterman; Peterson; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell;
19 Schaefer; Schoenfish; Schrempp; Soli; Solum; Tulson; Tyler; Verchio; Werner; Wink; Wismer

20 Excused:

21 Feinstein; Miller

22 So the bill not having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill lost.

24 HB 1198: FOR AN ACT ENTITLED, An Act to allow certain opportunity scholarship
25 recipients who graduate early to use the remainder of their scholarship award for graduate
26 studies.

27 Was read the second time.

1 The question being "Shall HB 1198 pass?"

2 And the roll being called:

3 Yeas 55, Nays 12, Excused 3, Absent 0

4 Yeas:

5 Bartling; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson;
6 Feickert; Gibson; Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman;
7 Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
8 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Rasmussen;
9 Ring; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
10 Steele; Stevens; Tulson; Tyler; Verchio; Westra; Wick; Wismer

11 Nays:

12 Bolin; Dryden; Greenfield; Haggar (Don); Haggar (Jenna); Hansen; Kaiser; Qualm; Romkema;
13 Werner; Wink; Speaker Gosch

14 Excused:

15 Feinstein; Miller; Peterson

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1213: FOR AN ACT ENTITLED, An Act to provide a reduced amount of state aid to
19 education funding to certain school districts with a fall enrollment of less than one hundred.

20 Was read the second time.

21 1213ca

22 Rep. Sly moved that HB 1213 be amended as follows:

23 On page 2, line 5, of the printed bill, delete "13-13-72" and insert "13-13-73".

24 Which motion prevailed.

25 The question being "Shall HB 1213 pass as amended?"

26 And the roll being called:

27 Yeas 56, Nays 11, Excused 3, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Kopp; Latterell; Magstadt; May; Mickelson; Munsterman; Novstrup (David);
6 Olson (Betty); Otten (Herman); Parsley; Qualm; Romkema; Rounds; Rozum; Russell; Schaefer;
7 Schrempp; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Verchio; Werner; Westra; Wick; Wink

8 Nays:

9 Killer; Kirschman; Lust; Nelson; Rasmussen; Ring; Schoenfish; Soli; Tyler; Wismer; Speaker
10 Gosch

11 Excused:

12 Feinstein; Miller; Peterson

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 8: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
17 Authority and the Board of Regents to finance, design, construct, furnish, and equip a sports
18 performance enhancement facility arena and a new outdoor track and soccer complex at the
19 University of South Dakota and to make an appropriation therefor.

20 Was read the second time.

21 The question being "Shall SB 8 pass?"

22 And the roll being called:

23 Yeas 57, Nays 10, Excused 3, Absent 0

24 Yeas:

25 Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
26 Feickert; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann
27 (Leslie); Heinert; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Lust; Magstadt;
28 Mickelson; Munsterman; Novstrup (David); Otten (Herman); Parsley; Qualm; Rasmussen;
29 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
30 Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

31 Nays:

32 Campbell; Greenfield; Hickey; Kaiser; Kopp; Latterell; May; Nelson; Olson (Betty); Russell

33 Excused:

34 Feinstein; Miller; Peterson

1 So the bill having received an affirmative vote of a two-thirds majority of the members-
2 elect, the Speaker declared the bill passed and the title was agreed to.

3 SB 9: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept the
4 donation of land from the University of South Dakota Foundation for the use and benefit of the
5 University of South Dakota.

6 Was read the second time.

7 The question being "Shall SB 9 pass?"

8 And the roll being called:

9 Yeas 63, Nays 4, Excused 3, Absent 0

10 Yeas:

11 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
12 Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
13 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
14 Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Munsterman; Novstrup
15 (David); Olson (Betty); Otten (Herman); Parsley; Qualm; Rasmussen; Ring; Romkema; Rounds;
16 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
17 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

18 Nays:

19 Kaiser; May; Nelson; Russell

20 Excused:

21 Feinstein; Miller; Peterson

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed and the title was agreed to.

24 Rep. Lust moved that the balance of the calendar including SB 41, 45, 23, 72, 18, 19, 27,
25 78, 86, 156, 68, 88, 145, 96, and 22 be deferred to Friday, February 15, the 24th legislative day.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1047 was delivered to his Excellency, the Governor, for his approval at 9:40 a.m., February 14, 2013.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1097 and finds the same correctly enrolled.

Respectfully submitted,
Brian G. Gosch, Chair

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1097: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to an employer's denial of workers' compensation claims.

SB 53: FOR AN ACT ENTITLED, An Act to expand the application of the farm decal system.

SB 57: FOR AN ACT ENTITLED, An Act to define a biodiesel producer and bulk plant operator and revise certain statutory references and to make certain form and style changes regarding motor fuel taxation.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 1018 Introduced by: Representative Bartling and Senator Sutton

A LEGISLATIVE COMMEMORATION, Commending and honoring Michael (Mike) Denker, a member of the Wagner School District Board of Education, on his selection as the Associated School Boards of South Dakota Outstanding School Board Member of South Dakota for 2013.

WHEREAS, Mike Denker has served his community and the students of the Wagner School District for more than thirteen years on the school board; and

1 WHEREAS, Mike Denker began an educational program for all board members, and under
2 his leadership, the Wagner School Board was the first in the state of South Dakota to have the
3 entire board GAVEL I and II Training certified; and

4 WHEREAS, Mike Denker has been a critical part of the implementation of a free preschool
5 program for more than one hundred three and four-year-olds and of JAGS, the Jobs for
6 America's Graduates Program; and

7 WHEREAS, Mike Denker is a strong advocate of the importance of policy, good
8 relationships between board members and the superintendent, data-driven decision making, and
9 staff professional development; and

10 WHEREAS, Mike Denker supported the attendance of the superintendent and business
11 manager at state and national events that allowed them to provide the expertise necessary for
12 the school district to continue to receive Impact Aid payments when it was believed that the
13 school district was no longer eligible for the entire payment:

14 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
15 State of South Dakota, that, during 2013, Mike Denker of Wagner, South Dakota, is hereby an
16 official representative of the state, and shall continue in his efforts to seek improvement of the
17 educational opportunities for the elementary and secondary students of the state.

18 HC 1019 Introduced by: Representatives Cronin, Bartling, Bolin, Carson, Conzet, Craig,
19 Erickson, Feickert, Feinstein, Gibson, Greenfield, Hansen, Hawks, Hawley, Heinert, Hickey,
20 Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kirschman, Kopp, Lust, Magstadt,
21 Mickelson, Miller, Munsterman, Nelson, Novstrup (David), Parsley, Peterson, Qualm,
22 Rasmussen, Ring, Romkema, Rounds, Rozum, Schaefer, Schoenfish, Schrempp, Sly, Soli,
23 Solum, Stalzer, Steele, Stevens, Tyler, Verchio, Wick, and Wismer and Senators Brown, Buhl,
24 Frerichs, Kirkeby, Peters, Rave, and Sutton

25 A LEGISLATIVE COMMEMORATION, Recognizing and honoring the South Dakota
26 Arthritis Foundation for its efforts to raise awareness and work towards the prevention and
27 cure of arthritis in children and adults.

28 WHEREAS, fifty million adults in America and three hundred thousand children in America
29 have been diagnosed with arthritis, and arthritis related conditions cost the United States
30 economy one hundred twenty-eight billion dollars per year in medical care and indirect expenses
31 including lost wages and productivity; and

32 WHEREAS, the South Dakota Arthritis Foundation has provided education, resources, and
33 support to South Dakota families struggling with arthritis since opening a state office in Sioux
34 Falls in April 2012; and

35 WHEREAS, the South Dakota Arthritis Foundation continues to raise public awareness of
36 arthritis, advocate to improve the lives of people with arthritis, promote fitness programs to
37 reduce pain, and provide funding to research and find a cure for arthritis:

HC 1020 Introduced by: Representatives Olson (Betty), Bartling, Cammack, Craig, Cronin, Duvall, Ecklund, Greenfield, Heinert, Hoffman, Hunhoff (Bernie), Kirschman, Kopp, Latterell, May, Peterson, Qualm, Rounds, Russell, Schaefer, Schrempp, Sly, Tyler, Verchio, and Wink and Senators Maher, Bradford, Brown, Ewing, Frerichs, Jones, Kirkeby, Lucas, Monroe, Omdahl, Rempelberg, Rhoden, Sutton, and Welke

Arlene Kvislen, Chief Clerk